

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76450 of 2018

Arising Out of PS. Case No.-3208 Year-2015 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Surendra Rai S/o Lal Dhari Rai Resident of Village- Patwa Toli, P.O. Hajipur,
P.S. Town, Hajipur, District- Vaishali.

... .. Petitioner

Versus

1. The State Of Bihar
2. Sima Devi @ Nandni Devi W/o Surendra Rai Resident of Village- Patwa Toli, P.O. Hajipur, P.S.Town, Hajipur, District- Vaishali, At Present Resident of Village Kalyanpur Dih, P.O. and P.S. Bidupur, District- Vaishali.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Satya Prakash Sinha, Advocate
For the State	:	APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 28-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 323, 341, 498(A) and 354 of the Indian Penal Code registered in connection with Tr. No. 1914 of 2018 arising out of Complaint Case No. 3208 of 2015.

3. It is submitted that the petitioner has been falsely implicated as it is the complainant herself who had left the matrimonial home with another man and she is not willing to live with the petitioner. Statement is made at the Bar on behalf of the petitioner that the complainant along with others have since been implicated in Hajipur Nagar P.S. Case No. 488 of 2017 instituted under Sections 498A, 324 and 302/34 of the IPC in which an application for anticipatory bail has been rejected vide order dated 16.02.2019 passed by learned Additional District & Sessions Judge- XI, Vaishali at Hajipur in A.B.P. No. 194 of 2019. It is therefore submitted that in the changed circumstances as aforesaid, the petitioner is no longer in a position to keep the complainant as his



wife. The allegation of torture and demand of dowry are denied. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Tr. No. 1914 of 2018 arising out of Complaint Case No. 3208 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner shall be confirmed upon verification that the complainant's anticipatory bail petition has been rejected vide order dated 16.02.2019 passed by learned Additional District & Sessions Judge-XI, Vaishali at Hajipur in A.B.P. No. 194 of 2019. In case the said claim is not found verifiable, the provisional bail shall stand automatically cancelled.

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(Vikash Jain, J)

